

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 02, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCELO ANTHONY BENSON,

Defendant.

No. 1:24-CR-2028-MKD

ORDER GRANTING MOTION TO
DISMISS INDICTMENT

ECF No. 39

Before the Court is the United States' Motion to Dismiss Indictment, ECF No. 39. The United States moves to dismiss the Indictment dated April 18, 2024, ECF No. 4, without prejudice, having received notice that Defendant is deceased. Fed. R. Crim. P. 48(a) allows the United States to dismiss an indictment with leave of court. The Court has reviewed the record and the motion and finds good cause to grant the motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. The United States' Motion to Dismiss Indictment, **ECF No. 39**, is **GRANTED**.

1 2. The Indictment, **ECF No. 4**, is **DISMISSED without prejudice**.

2 3. All pending motions are **DENIED as moot**.

3 4. All pending hearing dates, including the sentencing set for
4 December 10, 2024, are **STRICKEN**.

5 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
6 Order, provide copies to counsel and the U.S. Probation Office, and **CLOSE** the
7 file.

8 DATED December 2, 2024.

9 s/Mary K. Dimke
10 MARY K. DIMKE
 UNITED STATES DISTRICT JUDGE